

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRYANE SANDOVAL,

Applicant,

v.

No. CV 14-191 KG/CG

JAMES JANECKA, et al.,

Respondents.

ORDER LIFTING STAY AND VACATING ORDER FOR STATUS REPORTS

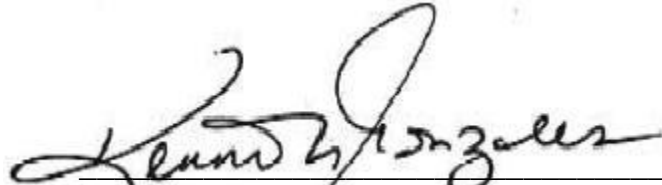
THIS MATTER is before the Court upon review of the record. The Court previously dismissed three of the four grounds for relief requested in Petitioner Bryane Sandoval's Petition for habeas corpus relief pursuant to 28 U.S.C. § 2254, stayed this case as to Ground Two only, and ordered Respondents to provide the Court with monthly status updates. (Doc. 28).

The relevant procedural facts are as follows. On January 27, 2014, Petitioner, represented by counsel, filed a separate petition for writ of habeas corpus with the New Mexico state district court. (Doc. 9, Ex. M). Petitioner then notified the Court that the State had filed its answer to his state habeas petition, and conceded that Petitioner was entitled to habeas relief. (Doc. 20 at 3–8). Respondents confirmed that the State had admitted fundamental error occurred in obtaining Petitioner's underlying conviction, (Doc. 22-1 at 1–6), and requested that this Court stay this case and hold it in abeyance pending the outcome of Petitioner's state habeas action. (*Id.* at 4–7). The Court granted Respondents' request because the outcome of those proceedings could moot the relief requested by Petitioner in this case, and ordered Respondents to file monthly status reports as to the state district court proceedings. (Doc. 28 at 14).

Respondents notified the Court that on December 29, 2014, the state district court dismissed Petitioner's state habeas corpus petition, holding that Petitioner is not entitled to relief as a matter of law. (Doc. 29, Ex. J at 1). Upon information and belief, Petitioner did not subsequently file a timely petition for a writ of certiorari from the New Mexico Supreme Court. (Doc. 29 at 2).

IT IS THEREFORE ORDERED that the stay and abeyance in this case be **LIFTED**.

IT IS FURTHER ORDERED that the Court's previous order that Respondents file monthly status updates about the state district court case be **VACATED**.



UNITED STATES DISTRICT JUDGE